

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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DARRYL CHALMERS, DARREN CONNORS,
GLENN MENDEZ, JAMES NOVA, and
FATIMA Q. ROSEMOND,

1:20-cv-03389

On behalf of themselves and all
others similarly situated, and
AFSCME DISTRICT COUNCIL 37
LOCAL 2507, on behalf of its
Members

Plaintiffs,

v.

CITY OF NEW YORK,

Defendant.

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April 21, 2021
9:30 a.m.

DEPOSITION of CITY OF NEW YORK, the
Defendant herein, by ROBERT STEVEN RAMPINO, taken
by the attorneys for the Plaintiffs, pursuant to
Notice, held via Web conference at the above date
and time, before Maureen McCormick, a Notary
Public of the State of New York.

1 R. Rampino

2 at the time, but I don't know what the reasoning
3 is.

4 Q. You'll see that this email is dated
5 February 2015. In 2015, and in the immediate,
6 let's say, five preceding years from the time you
7 had assumed a more general role, did the Bureau of
8 Fire Prevention have difficulty in meeting its
9 needs to fill vacant fire protection inspector
10 positions?

11 A. I believe so, yes.

12 Q. And was that the case in every year
13 between 2010 or '15, or if you can't remember
14 that, was it generally the case?

15 A. It was -- it certainly was generally
16 the case.

17 Q. And what facts lead you to state that
18 it was generally the case that the department, the
19 bureau, was having trouble filling its vacant FPI
20 positions?

21 A. I always had conversations with Steve
22 Ertrachter, who I know very well, and I would
23 speak to him about issues concerning personnel.

24 Q. And Mr. Ertrachter was the one who
25 would tell you that the bureau was having trouble

1 R. Rampino

2 filling the positions?

3 A. Yes.

4 Q. Did he give you examples or data to
5 reflect that they were having trouble filling the
6 positions?

7 A. No.

8 Q. So it was more -- just a more general
9 statement that he was giving you without
10 specifics.

11 A. Yes.

12 Q. Did you have other ways of knowing
13 between 2010 and 2015 that the Bureau of Fire
14 Prevention generally was finding it difficult to
15 fill FPI positions?

16 A. Yes.

17 Q. And what were they?

18 A. Conversations with other managers,
19 conversations with the executive staff.

20 Q. And which other managers do you
21 remember having conversations with that revealed
22 that the bureau was having trouble filling the
23 positions?

24 A. Well, I knew from my own experiences
25 as the director of Fire Alarm Inspection Unit, but

1 R. Rampino

2 I also spoke with people like Chief Inspector
3 Cendagorta, who was in charge of sprinkler
4 standpipe, and others that I don't recall right
5 now, who were attempting to recruit for their
6 units, that it was hard to come -- hard to come up
7 with recruits.

8 There was either no list or a very
9 limited list.

10 Q. Did you have any means of comparing
11 the difficulty that you had experienced in the
12 Fire Alarm Unit with the more -- with the problems
13 that were existing more generally, such as
14 reported by Mr. Ertrachter and Mr. Cendagorta,
15 such that you thought that it was about the same
16 throughout the bureau or worse, in the fire alarm,
17 or worse in the units other than fire alarm?

18 A. Its may have been somewhat worse in
19 the Fire Alarm Unit, because there's a smaller
20 pool of eligibles out there, but it was bad all
21 over.

22 Q. You also said that you had
23 conversations with executive staff about the
24 difficulties in recruiting fire protection
25 inspectors.

1 R. Rampino

2 With which members of the executive
3 staff do you remember having such conversations?

4 A. Certainly with Jensen, Chief Thomas
5 Jensen, Chief Spadafora, and probably others here
6 and there that I'm not recalling offhand in terms
7 of the exact conversations, but those two in
8 particular I worked most closely with.

9 MR. LIEDER: We'll skip over Exhibit
10 6. I had essentially the same email chain
11 later in my outline, and I'll use it then.

12 Could you pull up, Maureen, Exhibit 7,
13 please.

14 (Discussion off the record.)

15 Q. Mr. Rampino, could you read through
16 this particular email chain that's been marked as
17 Exhibit 7, and let us know when you're done.

18 MR. LIEDER: And Maureen, you may need
19 to surrender control over the exhibit so he
20 can scroll through.

21 THE WITNESS: I read the first part of
22 it. Can you scroll for me?

23 (Discussion off the record.)

24 A. Okay, all right. "Thanks to you and
25 your staff for all practical assistance -- in the

1 R. Rampino

2 Q. Then if you go back to your email, you
3 say in the third sentence, "The labor contract,
4 while not a home run, is a good solid line drive
5 double. It is definitely something that can be
6 built upon during the next round of negotiations."

7 What did you mean by a good solid line
8 drive double? What did you see as positive in
9 that comment?

10 A. We were originally trying to get a
11 40-hour workweek, and we got halfway there, so we
12 didn't round all of the bases, but we got to
13 second base, so that's what I mean by a line drive
14 double.

15 Q. And why were you trying to increase
16 the hours of the fire protection inspectors from
17 35 to 40 hours?

18 A. Because we wanted to accomplish a few
19 things. We wanted to -- one, we wanted to
20 increase productivity. It's always a goal to
21 increase productivity for the bureau, both in
22 terms of fire protection and in terms of revenue,
23 and we also wanted to improve the status of fire
24 protection inspectors so that we would both be
25 able to in the future recruit and then retain

1 R. Rampino

2 those fire protection inspectors. We wanted to
3 completely stabilize the work force.

4 Q. And I want to ask you about both of
5 those points.

6 You said you wanted to increase
7 productivity both in terms of fire protection and
8 in terms of revenue. In what way would increasing
9 hours from 35 to 40 or from 35 to 37 and a half
10 increase the amount of fire protection?

11 A. We'd be able to perform more
12 inspections.

13 Q. Which would protect city residents?

14 A. Correct.

15 Q. And in what way would it increase
16 revenue?

17 A. Well, the inspectors for -- the
18 inspectors, when they perform inspections, charge
19 \$210 an hour for their efforts, and the \$210 an
20 hour in relation to that additional time, two and
21 a half hours a week, would produce -- would
22 produce revenue.

23 Q. And you believe that the revenue that
24 would be produced would be more than the expenses
25 associated with additional salary; is that right?

1 R. Rampino

2 A. Correct.

3 Q. Now, fire protection inspectors and
4 associate fire protection inspectors also received
5 benefits, pension, health care.

6 Did you believe that the additional
7 revenue would exceed the salaries plus their
8 benefits?

9 A. Yes, I did.

10 Q. And had you done various analyses to
11 show that?

12 A. There were analyses that were
13 performed at the time.

14 Q. Who were they performed by?

15 A. They were performed by -- initially by
16 the Bureau of Fire Prevention and then later on
17 Fred Novello's office.

18 Q. Now, we're going to be looking a
19 little bit later in the deposition, but at this
20 point you also had put forward a step pay plan; is
21 that right?

22 A. That is correct.

23 Q. And you had said you or Chief
24 Spadafora had sent that step pay plan to, among
25 others, the Office of Labor Relations, Mr.

1 R. Rampino

2 now. Sweeney. Bob Sweeney was the chief of staff
3 at the time. Sorry about that.

4 Q. I'm glad you remembered.

5 And do you know in the CC in the email
6 from you to Mr. Novello, Joseph Zavaglia, James
7 Gallagher and Mike Orsino, were these individuals
8 who worked for Mr. Novello?

9 A. Yes. Those are -- those were Fred
10 Novello's staff members. They were junior members
11 of the staff, very good group.

12 Q. And were they the ones who actually or
13 may have helped do the analysis that you talked
14 about earlier of the revenue versus the cost?

15 A. Yes.

16 MR. LIEDER: We can put that exhibit
17 aside.

18 MS. CROUSHORE: Would it be okay if we
19 took a short break. I'm getting requests
20 from the lawyers at FDNY they'd like to try
21 to join back in again, if they possibly can.

22 MR. LIEDER: Why don't we take five
23 minutes or so.

24 (Recess taken.)

25 Q. Mr. Rampino, before we broke, you had

1 R. Rampino

2 identified the benefits associated with increasing
3 the number of hours from 35 to 40, as you had
4 hoped, or 35 to 37 and a half, as was negotiated,
5 and you said there were two of them.

6 The first was increasing productivity
7 both in terms of fire protection and in terms of
8 revenue, but the second, which we haven't talked
9 about, is you thought it would also help with
10 recruitment and retention of FPIs and AFPIs; is
11 that right?

12 A. That's correct.

13 Q. In what way did you believe increasing
14 the hours would help with recruitment and
15 retention?

16 A. Well, it would necessarily mean a
17 higher starting salary, which could be advertised
18 for, and it would mean a higher salary generally,
19 so when you advertise for positions on the
20 outside, whether over the computer or in the
21 newspaper, you're going to attract more people,
22 and that is what -- that was one of the results
23 that we would have hoped for.

24 Q. So that would help with recruitment,
25 and in what way with retention?

1 R. Rampino

2 A. Well, the more money people can make,
3 the less likely they are to leave for greener
4 pastures, and it doesn't have to be a lot.

5 Q. Any other way that you thought it
6 would be helping with recruitment and retention,
7 other than what you just testified to?

8 A. Not that I can think of offhand.

9 MR. LIEDER: We're done with Exhibit
10 7, and Maureen, would you call up Exhibit 8,
11 please.

12 Q. Mr. Rampino, Exhibit 8 is a long email
13 chain, several pages worth. To the extent that I
14 ask you questions that are specific, though, it
15 will be on the first page down to the thank you,
16 so could you look at this document.

17 You don't have to stop at the first
18 page, but when you're comfortable, let me know,
19 and I can ask you questions about it.

20 A. All right. The print's a little
21 small, but, I mean, I can read it, but it's
22 laborious.

23 Q. Well, let me ask you -- see if we
24 can't get at this just from your memory instead of
25 refreshing it through the document.

1 R. Rampino

2 A. That's my understanding.

3 MR. LIEDER: We can put Exhibit 9
4 aside and call up Exhibit 10.

5 THE WITNESS: Do you want me to read
6 this?

7 Q. Generally, my question is going to be,
8 are these the bureau's responses to the questions
9 that had been asked by the DCAS in response to
10 your request to change the minimum qualifications?

11 A. Yes, they are.

12 Q. And did you have a role in the
13 preparation of these responses?

14 A. Yes, I did.

15 Q. What was your role?

16 A. I was primarily -- I was the primary
17 writer of the responses.

18 Q. And were the responses also reviewed
19 by the chief?

20 A. They were reviewed by the chief, and
21 they were discussed with Ms. Germain.

22 Q. And the chief at that time was Chief
23 Spadafora?

24 A. That is correct.

25 Q. Let's look at the first paragraph of

1 R. Rampino

2 the response to Question 1, the one that begins,
3 "The high volume demand." Do you see that.

4 A. Yes. The first paragraph?

5 Q. Yes.

6 A. Okay. You want me to read it?

7 Q. Yes, you should read it to yourself
8 first.

9 A. Okay. Okay.

10 Q. The first sentence says, "The high
11 volume demand for fire protection inspectors has
12 for all practical purposes prompted an annual
13 filing for the fire protection inspector title."

14 What do you mean by annual filing?

15 A. Well, we would do it -- we would
16 advertise for fire protection inspectors every
17 year, and we would struggle to get, you know, even
18 a minimum number of applicants.

19 Q. And when you say that you would have
20 to file every year, does that mean another
21 examination every year?

22 A. You know, I don't recall exactly. We
23 had pretty frequent examinations, but I don't know
24 if it was annual.

25 Q. Well, was there some other way of

1 R. Rampino

2 filling the vacant FPI positions, other than
3 through an examination and establishment of a
4 list?

5 A. Well, we -- you can hire provisionally
6 in lieu of the examination, that when the
7 examination finally -- was -- finally took place,
8 the people who are hired provisionally would have
9 to take the exam, pass it, and do well
10 competitively on the list.

11 Q. Was the bureau utilizing provisional
12 hiring of fire protection inspectors during the
13 period of 2015?

14 A. When necessary.

15 Q. Do you remember how many years it had
16 proven necessary between 2010 and 2015?

17 A. No.

18 Q. Do you know whether it was more than
19 once?

20 A. Probably. I don't know.

21 Q. You then go on to say, "While the
22 number of applicants has varied each year, the
23 number of unqualified candidates has repeatedly
24 left the Bureau of Fire Prevention with too small
25 a pool of candidates."

1 R. Rampino

2 Is the reference to the number of
3 unqualified candidates to the people who were
4 being excluded through the CID process?

5 A. Yes.

6 Q. Then going down a little bit, it says,
7 "This conundrum prompted a detail review by the
8 chief of fire prevention and his staff of Fire
9 Code experts."

10 Was Chief Spadafora in fact involved
11 in the review that led to this proposal?

12 A. Well, he was part of the conversation
13 for certain. Whether you want to call that a
14 detailed review, I'm not sure.

15 Q. And when you talk about his staff of
16 Fire Code experts, who were you referring to
17 within the staff?

18 A. Well, you would be referring to -- at
19 the time it would have been Louis Cendagorta. It
20 would have been Samuel Asamoah, probably Sandy
21 Camacho and others.

22 Q. Can you read the second paragraph?

23 THE WITNESS: Could you move it up?

24 Could you scroll down a lit bit? Perfect.

25 Okay.

1 R. Rampino

2 Q. Let's start with the top email in the
3 chain, even though it's responding to the one
4 below it.

5 It is from Mr. Novello, and it's to a
6 Charles Marchant at the OMB. Do you see that?

7 A. Yes.

8 Q. Are you familiar with Mr. Marchant at
9 the OMB?

10 A. Not really, no.

11 Q. When you say not really, do you have
12 some familiarity with him?

13 A. Well, I said not really, because I
14 looked at the CCs, and I see Michael Geramita, and
15 I know who he is, but I don't remember Charles
16 Marchant.

17 Q. Who is Michael Geramita?

18 A. He's one of the managers in OMB, or
19 was.

20 Q. How do you know Mr. Geramita?

21 A. I think I had occasion to talk with
22 him once or twice.

23 Q. So Mr. Novello starts out his email to
24 Mr. Marchant with, "This title is so difficult to
25 recruit that DCAS has been offering yearly civil

1 R. Rampino

2 service exams instead of the usual one civil
3 service exam every four years."

4 Do you see that?

5 A. Yes.

6 Q. I know we talked earlier about the
7 fact that you didn't remember exactly whether it
8 was one every year, but --

9 A. Yeah.

10 Q. -- many years there were exams.

11 Do you agree or is it your
12 understanding that normally DCAS offers one civil
13 service examination every four years?

14 A. Yes.

15 Q. And do you agree that the reason that
16 DCAS was having to offer it once every year or
17 almost every year is because it had been so
18 difficult to recruit for the position?

19 A. Yes.

20 MS. CROUSHORE: Objection.

21 Q. You also see that Mr. Novello
22 references that the change was approved on or
23 about February 1, 2017, that that change would be
24 implemented in the June 2017 exam.

25 Do you see that?

1 R. Rampino

2 A. Right.

3 Q. Does that suggest to you that as early
4 as September of 2014 you were working on a plan
5 that included step pay for FPIs and AFPIs?

6 A. It was only in the conversation stage.
7 Now, that was a fairly frequent conversation,
8 though.

9 Q. And let me ask it differently.
10 Were you the person who first started
11 raising the possibility of step pay increases?

12 A. Yes.

13 Q. And what caused you to raise that
14 particular topic?

15 A. My overall viewpoint regarding the
16 bureau and helping what I viewed as one of the
17 ways of helping the principal work segment in the
18 Bureau of Fire Prevention, which is the fire
19 protection inspector career series of employees, I
20 wanted to help raise their status, I wanted to
21 help attract people, I wanted to prevent
22 attrition, and I wanted to give people -- inspire
23 people to have greater career aspirations.

24 Q. Was there anything specific that led
25 to you having this desire to help in these ways?

1 R. Rampino

2 people from those units, and I wanted to prevent
3 that from happening.

4 Q. And when you say DO, just so the
5 record is clear, that's district offices?

6 A. Yeah.

7 Q. You said that inspectors were leaving
8 either to get promoted to another unit, such as
9 outside district office, or to another agency.

10 Over the years, did the bureau
11 experience loss of fire prevention inspectors to
12 other agencies?

13 MS. CROUSHORE: Objection.

14 You can answer.

15 A. To other agencies, to private firms.
16 They would leave for a variety of other
17 opportunities.

18 Q. Did you know which other agencies that
19 they left for?

20 MS. CROUSHORE: Objection.

21 A. They'd leave for HPD. They'd leave
22 for the Department of Buildings. They would leave
23 for the MTA. They would leave to jobs in
24 hospitals or schools. They would leave for a
25 variety of -- they would leave for a variety of

1 R. Rampino

2 reaction of Commissioner Rush being to the step
3 pay plan?

4 A. They listened, but it didn't appear to
5 me that they were favorable, but they didn't
6 reveal anything definitive either.

7 Q. And when you say they, you were
8 talking about both Mr. Rush and Mr. Sweeney?

9 A. Yes.

10 Q. Is that the only instance of which you
11 are aware in which someone higher in the hierarchy
12 than Chief Spadafora discussed the step pay plan?

13 A. Well, I don't know that they were
14 higher than Chief Spadafora, the hierarchy, but
15 they were all in at the upper, upper, the highest
16 level of management in the department. They all
17 were to that extent.

18 Q. And was there anyone else in that high
19 level of management in the department you
20 discussed the step pay plan with Chief Spadafora,
21 to best of your knowledge?

22 A. I really don't know.

23 Q. We can put that aside.

24 MR. LIEDER: Let's call up Exhibit 22,
25 please.

1 R. Rampino

2 Q. Mr. Rampino, this is a memo from Chief
3 Spadafora to David Zweifler, the director of labor
4 relations, dated April 14, 2015, and it's also
5 concerning the step pay plan proposal.

6 Do you see that?

7 A. Right.

8 Q. Did you prepare this memo for Chief
9 Spadafora with his input?

10 A. Yes.

11 Q. And why was the decision made to send
12 it to Mr. Zweifler?

13 A. Well, Mr. Zweifler was the head of
14 labor relations.

15 Q. And was this in connection with the
16 upcoming, or maybe at that time ongoing, labor
17 negotiations with the union representing the fire
18 protection inspectors for the next collective
19 bargaining agreement?

20 A. I don't know if that was the
21 facilitating reason.

22 Q. Do you know any other reason for
23 sending it to Mr. Zweifler, other than that?

24 A. I can't think of -- I can't think of
25 any.

1 R. Rampino

2 MR. LIEDER: I'm going to take the
3 documents slightly out of order that I had
4 thought I'd take them in. Could you,
5 Maureen, call up Exhibit 24.

6 Q. And this, Mr. Rampino, is an email
7 chain of about five emails.

8 I want to just focus, though, on the
9 earliest, so the one at the bottom of the page.

10 MR. LIEDER: Would you, Maureen, be
11 able to scroll down to the bottom of the
12 page.

13 Q. You'll see, Mr. Rampino, that this is
14 an email from David Zweifler to Chief Spadafora
15 and to two other people, and then there are
16 several individuals who are CCed.

17 Before we get to the text here, you'll
18 see that one of the recipients, in addition to
19 Chief Spadafora, is Douglas White.

20 What type of role did Douglas White
21 have in 2015?

22 A. He was a deputy commissioner in the
23 Fire Department. I think he since has retired. I
24 think he was in charge of a couple of the bureaus,
25 one of which was the Bureau of Human Resources.

1 R. Rampino

2 Q. And who is Dorecia Phillip?

3 A. I heard the name, but I'm not sure who
4 she is.

5 Q. And on the CC line, we talked about
6 Carline Germain. Do you know who Fredda Wigder
7 is?

8 A. I think I know who she is, but I don't
9 know exactly what role she plays in things.

10 Q. Let's go down to the text of the
11 email. You'll see that it says that, "Bargaining
12 has been pushed back to May 5, 2015, so there will
13 be time to discuss our bargaining proposals with
14 OLR before that. OLR is currently looking over
15 the Fire Department's proposal for a step pay plan
16 for the fire protection inspector series."

17 Do you see that?

18 A. Where is that? Is that in the --
19 that's in the last paragraph.

20 Q. The three-line paragraph in Mr.
21 Zweifler's email?

22 A. Yeah, okay. I see it. All right.
23 Okay.

24 Q. So regardless of what Mr. Spadafora's
25 purposes were in sending in the step pay plan

1 R. Rampino

2 proposal to David Zweifler, he says that OLR is
3 currently looking over the proposal.

4 What if any feedback did the Bureau of
5 Fire Prevention or Chief Spadafora get from OLR
6 about the proposal?

7 MS. CROUSHORE: Objection.

8 A. None that I'm aware of.

9 Q. Was there any effort that you are
10 aware of to reach out to Mr. Zweifler or others in
11 OLR to find out what was happening with the step
12 pay plan proposal?

13 MS. CROUSHORE: Objection.

14 You can answer.

15 A. I don't know. I don't know.

16 Q. You don't know?

17 A. No.

18 MR. LIEDER: Let's go to Exhibit 23.

19 We can put 24 away.

20 Q. I should say that I messed up here,
21 just so you know, because otherwise it will be a
22 little bit confusing.

23 The city produced to us four pages of
24 documents concerning a construction inspector
25 position and a plumbing inspector position, and

1 R. Rampino

2 comparison of HPD Department of Buildings and Fire
3 Department inspector pay performed by the budget
4 office?

5 A. No, I don't remember this.

6 Q. And did Mr. Novello or anyone, even if
7 they didn't send a comparison to you, inform you
8 that they had performed a comparison of HPD, DOB
9 and Fire Department pay?

10 A. I don't remember.

11 Q. If you don't have any information
12 about this, there is no point in questioning you
13 about it, so why don't we put 27 aside.

14 MR. LIEDER: Could you call up 28,
15 please.

16 Q. Mr. Rampino, could you please review
17 this document, which is primarily an email from
18 you to Chief Spadafora, copied to Mr. Ertrachter
19 and Ms. Germain?

20 A. Okay. Could you scroll up? Okay.

21 Q. This is an email that you sent to
22 Chief Spadafora on September 28, 2015?

23 A. Uh-huh.

24 Q. You've been --

25 A. This I remember.

1 R. Rampino

2 Q. I was going to say, you've been
3 wonderful. You're the only witness I know who's
4 gone four hours before the first uh-huh, but you
5 need to say yes or no.

6 Mr. Rampino, in this email that you
7 sent to Mr. Spadafora, you're comparing the salary
8 compensating rates of DOB inspectors and BFP fire
9 protection inspectors?

10 A. That's correct.

11 Q. And you present a number of
12 calculations, and you conclude at the bottom of
13 the page that fire protection inspectors would
14 still earn significantly less in salary even with
15 the proposed step pay plan integrated with a
16 forty-hour week. Do you see that?

17 A. That's correct.

18 Q. And as far as you know, as you sit
19 here today, your calculations that showed that the
20 fire protection inspectors would earn -- looks
21 like about 15 percent less than the DOB inspectors
22 even with a forty-hour week in a proposed step pay
23 plan, as far as --

24 A. I just maybe make a -- something of a
25 correction. This doesn't discuss the step pay

1 R. Rampino

2 plan. This just talks about the hiring rate, the
3 incumbent rate and the maximum rate, and I'm
4 showing how under any circumstances when you -- if
5 they had a similar contractual arrangement, and if
6 you made an adjustment for a forty-hour week, they
7 would still be earning less than the DOB
8 inspectors at the hiring rate.

9 That's what this shows, so the step
10 pay plan doesn't enter into this.

11 Q. So you're saying that you haven't
12 factored that into your calculations, although you
13 do say in the sentence that they would still earn
14 less even with the proposed step pay plan.

15 Do you see that?

16 A. Where?

17 Q. At the bottom of the first page.

18 A. Okay. It limits it to only two
19 levels.

20 Q. I'm actually talking about at the top
21 of the -- I'm sorry, the bottom of previous page,
22 where it says, "Fire protection inspectors will
23 still earn significantly less in salary, even with
24 a proposed step pay plan integrated within a
25 forty-hour work week." Do you see that?

1 R. Rampino

2 A. In other words, if they were subject
3 to the same contractual arrangements or similar
4 contractual arrangements, the DOB hiring rate
5 would still come out ahead. It follows -- it
6 follows in a logical manner arithmetically.

7 Q. Right. So when you say, even if they
8 were subject to the same contractual arrangement,
9 you're talking about a forty-hour week?

10 A. Well, what I'm saying is if they -- if
11 they had -- if they had a forty-hour week, and
12 they received the same contractual agreement as
13 the Department of Buildings inspectors received,
14 and they were able to work a 40-hour workweek,
15 they would still end up earning less than the Fire
16 Department -- fire protection inspectors would
17 still end up earning less than the Department of
18 Building inspectors, and the hiring rate for both
19 would be 55,139 for the DOB, 47,053 for the fire
20 protection inspectors. It's like a 15 percent
21 difference.

22 Q. And you're also factoring in when you
23 say the same contractual arrangement, the same
24 increases, consistent with pattern bargaining; is
25 that right?

1 R. Rampino

2 A. That's what I mean, yes, because at
3 this point, they hadn't yet received a contractual
4 agreement, meaning the fire protection inspectors,
5 whereas the DOB people had.

6 Q. Before I get to the next paragraph,
7 although you don't present in this memo the
8 calculations based on the proposed step pay plan,
9 did you actually do the math to determine that
10 even with your proposed step pay plan that the
11 fire protection inspectors would be paid less?

12 A. Well, could you move that? Could you
13 scroll down a bit, so I can see the rest of that?

14 Well, as you can see, the maximum rate
15 for the DOB is 78,637. The maximum rate for the
16 Fire Department would be 61,450. That's quite a
17 bit of difference.

18 Q. Right?

19 A. So even if you factored a step pay
20 plan, it would come out to be far less in
21 comparison with the DOB.

22 Q. And to the best of your knowledge, do
23 any associate fire protection inspectors earn the
24 maximum rate?

25 A. There are none who earn the maximum

1 R. Rampino

2 rate.

3 Q. Do you know whether any DOB inspectors
4 earn the maximum rate?

5 A. That I'm not aware of.

6 Q. Let's go to the -- you're way ahead of
7 me -- the paragraph that says that -- that starts,
8 "DOB inspector positions are limited to only two
9 levels," and you say that starting in the third
10 line, the fact there are two titles and four
11 levels speak to a greater range and complexity of
12 tasks for which inspectors in the fire protection
13 inspector career series are or to which they may
14 be assigned, and then you go on to talk about the
15 DOB inspectors maybe just inspecting boilers or
16 construction or plumbing, and the fire protection
17 inspectors are not so pigeonholed, and you go on
18 that the responsibilities are -- of the fire
19 protection inspectors are without doubt arguably
20 greater.

21 Is that the conclusion of that
22 paragraph?

23 A. Yes.

24 Q. The responsibility -- okay.

25 And is that still your belief that the

1 R. Rampino

2 responsibilities of the fire protection inspectors
3 are arguably greater than those of the DOB
4 inspectors?

5 A. Yes.

6 MR. LIEDER: We can put 28 aside.

7 MS. CROUSHORE: I'd like to interject
8 an objection to the last question, if
9 possible.

10 MR. LIEDER: Okay.

11 MS. CROUSHORE: Thank you.

12 Q. Mr. Rampino, Exhibit 29 speaks to
13 something called compliance advisers.

14 Are you familiar with compliance
15 advisers?

16 A. Yes.

17 Q. What are compliance advisers?

18 A. They're like public advocates or
19 ombudsmen. They're a layer of bureaucracy between
20 the client and the agency that is favored by the
21 City Hall or the top level of government in the
22 city, and they want to ensure customer service
23 satisfaction, and so they have this group that
24 works with the agency in order to ensure that the
25 clients are properly served in keeping with the

1 R. Rampino

2 A. He was a -- he was a -- he was a fire
3 alarm expert who was in charge of code variances
4 regarding special -- as it concerns special
5 projects, and Christopher Afuwah was an expert on
6 fire alarm related matters in particular variances
7 from the code that were being sought by clients,
8 and that's basically what he did.

9 He had nothing to do with fire
10 protection inspectors, and neither did any of the
11 other people on this list.

12 The similar position, Tom Pigott was
13 in charge of the technology management group. Tom
14 Jensen was the chief of fire prevention at the
15 time, and Tom Meara was a -- is a battalion chief
16 that has a degree in electrical engineering. He
17 was involved with fire alarms and various types of
18 technology that were of interest to the technology
19 management group.

20 Q. Good, thank you.

21 MR. LIEDER: Call we up Exhibit 46,
22 please.

23 Q. Mr. Rampino, what's been marked as
24 Exhibit 46 is a memo from you to Thomas Jensen,
25 chief of fire prevention at that time, dated June

1 R. Rampino

2 4, 2012, and it's a request for additional
3 resources in the BFP LPPA unit.

4 First, what is LPPA?

5 A. It means licensed places of public
6 assembly.

7 Q. And if you go to the second sentence,
8 it says that, "This request, a request for 11
9 additional LPPA unit field inspectors, and four
10 community coordinators, stems from the need to
11 meet the challenge of the new permit program
12 conversion from the New York City Department of
13 Buildings to the Bureau of Fire Prevention."

14 What was the impetus of the new permit
15 program conversion moving from the Department of
16 Buildings to the Bureau of Fire Prevention?

17 A. I'm not exactly sure what facilitated
18 it, but I think that they look with favor upon --
19 I think the mayor's office historically looked
20 with favor upon the Fire Department, and they
21 wanted us to take over that function.

22 Q. So this was a function that had been
23 performed, as far as you know, by Department of
24 Buildings inspectors and now was going to be
25 performed by the Bureau of Fire Prevention?

1 R. Rampino

2 A. I don't know what -- I don't know what
3 function the Department of Buildings was
4 performing. These were spaces that were going to
5 be evaluated through the lens of the Fire Code,
6 and we were going to determine whether or not they
7 can be public assembly, Fire Department public
8 assembly annual permits, which is what we did.

9 Q. And then thereafter they would have to
10 be inspected annually?

11 A. Yes.

12 Q. And you're saying you don't know how
13 the department -- what the Department of Buildings
14 did and how they staffed it; is that correct?

15 A. As we're speaking, I'm remembering a
16 little bit more. This goes back quite a few
17 years.

18 I believe that the Department of
19 Buildings was not inspecting a lot of these
20 spaces. I don't think they were doing anything
21 with them, and when it was discovered that that
22 was the case, someone somewhere decided the Fire
23 Department should undertake that, the
24 responsibility of doing a review.

25 MR. LIEDER: We can put that away and